

**BOARD OF ENVIRONMENTAL REVIEW
AGENDA ITEM
EXECUTIVE SUMMARY FOR RULE ADOPTION**

AGENDA # III.B.1.

AGENDA ITEM SUMMARY - The department requests approval of amendments to the public water supply rules to:

1. Adopt new EPA primacy rules and revisions of existing primacy rules regarding the regulation of public water supplies;
2. Amend existing language regarding persons responsible for illegal construction of public water and sewage systems; and
3. Amend existing rules for housekeeping purposes and clarification.

LIST OF AFFECTED RULES - ARM 17.38.101, 201A, 203, 204, 205, 208, 215, 216, 225, 234, and 239.

AFFECTED PARTIES SUMMARY - Owners of all public water supply and public sewage systems. Examples of these systems include cities, towns, water and sewer districts, subdivisions, mobile home parks, businesses and schools. These changes will also affect any other “person” that may modify a public water or wastewater system. Examples include engineers, contractors, water treatment installers, and well drillers.

SCOPE OF PROPOSED PROCEEDING - The Department is requesting initiation of rulemaking and appointment of a hearing officer for a public hearing.

BACKGROUND - EPA requires that states with primacy for the Safe Drinking Water Act adopt all rules and rule revisions regarding the regulation of public water supplies. Rules proposed for adoption include EPA’s “Enhanced Filtration and Disinfection-Systems Serving Fewer Than 10,000 People”, “Enhanced Filtration and Disinfection-Systems Serving 10,000 or More People”, and Appendices to 40 CFR 141 Subparts “O” and “Q”. The other revisions are necessary to provide consistency and clarity in implementation and enforcement of existing rules with existing statutory requirements.

HEARING INFORMATION - No hearings have been held.

BOARD OPTIONS - The Board may:

1. Initiate rulemaking, appoint a hearing officer, and schedule a hearing;
2. Determine that the adoption of rules is not appropriate and decline to initiate rulemaking;
or
3. Direct the Department to modify the rulemaking and proceed.

DEQ RECOMMENDATION - The Department recommends initiation of rulemaking and appointment of a hearing officer for a public hearing.

ENCLOSURES - Notice of public hearing on proposed amendment of ARM 17.38.101 through 17.38.239 pertaining to public water and sewage system requirements